

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DFINITY USA RESEARCH LLC,

Plaintiff,

v.

ERIC BRAVICK,

Defendant.

Case No. 22-cv-3732-NC

**ORDER TO SHOW CAUSE:
LACK OF SUBJECT MATTER
JURISDICTION**

Re: ECF 1

In removing this case to federal court, Defendant alleges that complete diversity exists among the parties because Plaintiff is a citizen of California and Defendant is a citizen of Michigan. ECF 1 at 3. In assessing Plaintiff's citizenship, Defendant applies 28 U.S.C. § 1332(c)(1), which states that a corporation is a citizen of both its place of incorporation and its principal place of business.

But the rules for Limited Liability Corporations (LLCs), like Plaintiff, are different. An LLC "is a citizen of every state of which its owners/members are citizens." *3123 SMB, LLC v. Horn*, 880 F.3d 461, 465 (9th Cir. 2018). The place of incorporation is not relevant to LLC citizenship. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

"The party seeking to invoke the district court's diversity jurisdiction always bears the burden of both pleading and proving diversity jurisdiction." *Rainero v. Archon Corp.*,

1 844 F.3d 832, 839 (9th Cir. 2016). Here, Defendant has neither pled nor proven the
2 citizenship of Plaintiff. And, therefore, he has neither pled nor proven complete diversity.
3 Accordingly, Defendant is ORDERED to show cause in writing why this case should not
4 be remanded to state court for lack of subject matter jurisdiction by July 13, 2022.

5 **IT IS SO ORDERED.**

6
7 Dated: June 28, 2022


NATHANAEL M. COUSINS
United States Magistrate Judge